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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/576,462 05/23/00 THOMPSON

C 22851-P001US

EXAMINER

TM02/0802

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ART UNIT

PAPER NUMBER

2161  
DATE MAILED:

08/02/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/576,462	THOMPSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marianne Huseman	2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 5/23/00.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-26 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 23 May 2000 is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some \*   c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 20) <input type="checkbox"/> Other: _____
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***Drawings***

1. New formal drawings are required in this application because the margins are not correct. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 16, line 4, element 200 is disclosed but not shown in the figures. Further, elements 220, 240, 224 and 236 need descriptive labels, other than numerical. Correction is required.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Elements 213 and 240 are shown but not disclosed. Correction is required.

***Specification***

4. The disclosure is objected to because of the following informalities: On page 13, line 1, "the" should probably be -- to --. Also, in line 1, it is not clear as to what "that" represents.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chelliah et al in view of From2.Com.

Regarding claims 1, 10, 19 and 24: Chelliah et al teach a computer system for electronic commerce such that Applicants' invoice data reads on transaction items (column 10, lines 63 - 65), Applicants' first terminal reads on element 142 (column 10, lines 31 - 43), Applicants' server reads on element 144 (column 11, lines 19 - 39) and Applicants' data record reads on Chelliah et al's receipt (column 18, line 24).

Although Chelliah et al do not specifically teach the use of tariff classification codes in their database, element 123, for the import/export of products, From2.Com teaches an international e-commerce system wherein shipping charges and customs charges associated with a product are calculated using computerized tariff classifications. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to use the computerized tariff classification codes as taught by From2.Com in Chelliah et al's Shipping Cost Engine, element 123, so that Chelliah et al can accommodate international shipping in addition to national shipping, thereby expanding his customer base. See also, Chelliah et al, column 8, lines 47 – 50.

Regarding claims 2 and 11: Applicants' second terminal reads on element 12. Although Chelliah et al do not specifically teach e-mailing the data record (receipt), as Chelliah et al teaches communication by way of an on-line service it is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit a data record or receipt using e-mail as that practice is old and well-known.

Regarding claims 3 – 5, and 12 - 14: While Chelliah et al do not specifically teach downloading a receipt, with or without a request, it is considered that it would have been obvious to one of ordinary skill in the art for a store to download the data record or receipt to a purchaser as it is considered normal business practice. Also, while Chelliah et al do not specifically teach printing the data record, it is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to print out a copy of the data record if a "hard copy" is desired.

Regarding claims 6 and 15: Applicants' electronic transmission of invoice data reads on the communication between element 142 and element 144. See Chelliah et al, column 10, lines 56 – 68 and column 11, lines 1 – 3.

Regarding claims 7 and 16: Applicants' web site reads on the disclosure of Chelliah et al at column 12, lines 1 – 9.

Regarding claims 8, 17 and 21: Although neither Chelliah et al nor From2.Com specifically teach how the database is updated, it is considered that it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to have the capability of updating a tax engine and shipping engine as the values therein are more than likely to change over time. See also column 11, lines 63 – 68, wherein it is disclosed that the “enterprise responsible for the compartment has access”.

Regarding claims 9 and 18: Applicants' transaction database reads on element 128.

Regarding claim 20: Applicants' web link reads on column 12, lines 1 – 9.

Regarding claim 22: Although neither Chelliah et al nor From2.Com specifically teach transforming a data record into a customs report for transmittal to a customs entity, it is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit such a record (or receipt) to a customs entity if you are shipping the items listed in the record, internationally.

Regarding claim 23: Although neither Chelliah et al nor From2.Com specifically disclose a program operable for updating the database, databases, when updated, are inherently updated by some type of program.

Regarding claim 26: Applicants' third web page reads on the web page of, for example, the FedEx on-site shipping calculator taught by Chelliah et al and the discussion of claim 24 above. See Chelliah et al, column 8, lines 45 – 50.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Blinn et al teaches database schema independence, wherein a discussion of databases and how they operate is disclosed. Kamman teaches an automatic system for including tariffs in e-commerce transactions similar to Applicants. However, Kamman was not published until April 5, 2001.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne Huseman who can be reached at telephone number 703-605-4277. The examiner can normally be reached on Monday - Friday, 6:00 AM - 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9051 for regular communications and 703-305-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

*M. Huseman*

mh  
July 26, 2001

  
JAMES P. TRAMMELL  
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